

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Maurice Talley,
Plaintiff,

v.

Benjamin Estill,
Defendant.

Case No. 2:22-cv-01381-JAD-EJY

ORDER

On August 25, 2022, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a civil-rights Complaint under 42 U.S.C. § 1983 ECF Nos. 1, 1-1. On November 2, 2022, the Court denied Plaintiff’s incomplete IFP application and provided him until December 2, 2022, to either pay the \$402 filing fee or file a complete IFP application with all three required documents. ECF No. 3. On November 3, 2022, Plaintiff’s mail was returned as undeliverable noting Plaintiff moved to Ely. ECF No. 4. The following day, November 4, 2022, Plaintiff filed a Notice of Change of Address stating his current address is at the Ely State Prison. ECF No. 5.

Accordingly, IT IS HEREBY ORDERED that on or before **January 17, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **January 17, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with Nevada Local Rule of Practice LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-
2 1), but will not file it at this time.

3 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
4 form application to proceed *in forma pauperis* for inmate along with the information and
5 instructions for filing the same.

6 DATED this 15th day of December, 2022.

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9 ELAYNA J. YOUCHAK
10 UNITED STATES MAGISTRATE JUDGE
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